

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s)

Case Name

Requesting Party Name(s)

I am: ☐ The party requesting the extension.
☒ Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- ☒ Brief (*you **must** also complete the Declaration on page 3*)
- ☐ Motion to proceed in forma pauperis
- ☐ Motion for a certificate of appealability
- ☐ Response/opposition to a pending motion
- ☐ Reply to a response/opposition to a pending motion
- ☐ Certified Administrative Record
- ☐ Response to court order dated
- ☐ Other (*you **must** describe the document*)

The requested new due date is:

I request the extension of time because (**cannot be left blank**):

(attach additional pages if necessary)

I did not serve as trial counsel; I need time to familiarize myself with the record and research the six claims that DeBorba raises in his 13,987-word opening brief. My other obligations include work travel in mid-November 2024; a Ninth Circuit oral argument set for November 18, 2024; an answering brief due November 22, 2024; and a heavy caseload of ongoing investigations and district court matters in the Western District of Washington and elsewhere. DeBorba received an unopposed 60-day extension of time for his opening brief.

Signature **Date**

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8*Complete this section for criminal or immigration cases.*

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- ☒ I have **NOT** filed a previous request to extend time to file the document.
- ☐ I have previously requested an extension of time to file the document.

This motion is my request.

(Examples: first, second)

Bail/detention status (*select one*):

- ☐ The defendant is incarcerated. The projected release date is: .
- ☒ The petitioner is detained. *(The defendant has completed his criminal sentence and is now in immigration detention.)*
- ☐ The defendant/petitioner in this criminal/immigration case is at liberty.

Signature s/ Jonas Lerman

Date 10/17/2024

(use "s/[typed name]" to sign electronically-filed documents)

Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)*Complete this section if you are requesting an extension of time to file a brief.*

1. I request an extension of time to file the brief.

(Examples: opening, answering, reply, first cross-appeal)

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

See attached

5. The position of the other party/parties regarding this request is:

☒ Unopposed.

☐ Opposed by *(name of party/parties opposing this motion)*:

☐ Unknown. I am unable to verify the position of the other party/parties because:

6. ☒ The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. ☒ I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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Form 14 / Question 4

I am an assistant U.S. attorney for the Western District of Washington. I also currently serve as a detailee in the Justice Department's Computer Crime and Intellectual Property Section, with a multidistrict caseload.

I have been assigned to represent the United States in this appeal. I did not serve as trial counsel. In his 13,987-word opening brief, defendant-appellant João Ricardo DeBorba raises six claims. The district court record includes 95 docket entries. I need time to familiarize myself with the record and research the issues on appeal.

I have other substantial obligations. They include, among other things, complex ongoing investigations and district court matters in the Western District of Washington and elsewhere; work travel in mid-November 2024; a Ninth Circuit oral argument set for November 18, 2024; and another answering brief due November 22, 2024. I also have some personal leave planned for November and December.

I therefore request a 60-day extension of time for the answering brief. DeBorba received an unopposed 60-day extension for his opening brief. (Dkt. 7, 10.)